

SULLIVAN, HILL, LEWIN, REZ & ENGEL
A Professional Law Corporation
Cynthia A. Fissel, SBN 164153
550 West "C" Street, Suite 1500
San Diego, California 92101
Telephone: (619) 233-4100
Fax Number: (619) 231-4372
fissel@shlaw.com

James S. Rigberg, Pro Hac Vice (Arizona Bar No. 015267)
MARISCAL, WEEKS, McINTYRE
& FRIEDLANDER, P.A.
2901 North Central Avenue, Suite 200
Phoenix, Arizona 85012-2705
Telephone: (602) 285-5000
Fax Number: (602) 285-5100
Jim.rigberg@mwmf.com

Attorneys for Defendant, CRISIS MANAGEMENT, LLC

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

YOU WALK AWAY, LLC, a California
limited liability company,,

Plaintiff,

v.

CRISIS MANAGEMENT, LLC, an
Arizona corporation, and WALK AWAY
PLAN, LLC, a business entity of unknown
form,

Defendants.

Case No. 08 CV 0529 WQH BLM

**DECLARATION OF PAUL
HELBERT IN SUPPORT OF CRISIS
MANAGEMENT, LLC'S MOTION
TO DISMISS, STAY, OR
TRANSFER VENUE TO THE
DISTRICT OF ARIZONA**

**[NO ORAL ARGUMENT UNLESS
REQUESTED BY COURT]**

Date: May 19, 2008
Time: 11:00 a.m.
Crtm: 4

Judge: Hon. William Q. Hayes

I, Paul Helbert declare as follows:

1. I am the general manager of Crisis Management, LLC ("Crisis Management"), an Arizona limited liability company. I have personal knowledge of the facts set forth in this Declaration and if called as a witness would be competent to testify thereto.

2. Crisis Management provides services to consumers who are seeking assistance

1 relative to the current mortgage crisis. Crisis Management offers its services on the Internet via a
2 website using the domain name www.walkawayplan.com. Crisis Management also offers plans to
3 help our customers navigate through the current mortgage crisis. These plans are tailored to meet
4 the needs of each specific customer. Crisis Management identifies its services as the "Walk Away
5 Plan."

6 3. Crisis Management has filed a trademark application with the United States Patent
7 and Trademark Office ("Trademark Office") to register the name Walk Away Plan under Serial
8 No. 77/406511.

9 4. By Letter dated February 29, 2008, You Walk Away, L.L.C., through its attorneys,
10 advised that it believed that Crisis Management's use of the domain name www.walkawayplan.com
11 and the name Walk Away Plan infringed on its rights. The letter advised that You Walk Away had
12 submitted an application to register You Walk Away with the United States Patent and Trademark
13 Office (the "Trademark Office").

14 5. I did not see the February 29, 2008 letter until a few days after it had arrived at Crisis
15 Management's offices.


16 6. On or about March 8, 2008, a representative of You Walk Away named "Chad"
17 contacted me and inquired as to whether Crisis Management would adhere to the demands made in
18 the February 29, 2008 letter — specifically, the demand that Crisis Management cease using the
19 domain name www.walkawayplan.com and the name Walk Away Plan.

20 7. I advised that I did not believe that Crisis Management's use of these names infringed
21 or otherwise violated You Walk Away's rights in any way. I further advised that Crisis
22 Management would be consulting with an attorney to determine how to respond to the February 29,
23 2008 letter and the allegations it contained. I provided Chad with the name and phone number of my
24 attorney James Rigberg, and asked that he communicate directly with Mr. Rigberg. Thereafter, I
25 received several more calls from You Walk Away.

26 8. On March 14, 2008, I, on behalf of Crisis Management, consulted with an attorney
27 and authorized that a lawsuit be filed in the United States District Court for the District of Arizona to
28

1 protect Crisis Management's right and ability to continue using the domain name
2 www.walkawayplan.com and the name Walk Away Plan. One of Crisis Management's chief
3 concerns was that an action be filed before the Trademark Office approved You Walk Away's
4 application.

5 I declare under penalty of perjury under the laws of the United States and the State of
6 California that the foregoing matters are true and correct and that this declaration was executed on
7 April 11, 2008 at Phoenix, Arizona.

8 
9 Paul Helbert